

INITIAL STATEMENT OF REASONS

Section 968.44 Testing Procedures

Specific Purpose of the Regulation.

The proposed amendment provides specifications (visibility, operation) for chamber load indicators and magazine disconnect mechanisms. Additionally, the amendment establishes the requirement that before a handgun can be submitted to the Department of Justice (DOJ) for placement on the handgun roster, certified laboratories must confirm that the handgun's chamber load indicator and/or magazine disconnect mechanism continues to function after completion of the safety testing.

Necessity.

Pursuant to Penal Code sections 12125 and 12126, only handguns that are on a DOJ roster of handguns identified as not "unsafe" can be sold by licensed firearms dealers in this state. Beginning January 1, 2006, these laws also mandate that in order to be placed on the DOJ roster (handguns already on the roster are excluded), rimfire semiautomatic pistols must have a magazine disconnect mechanism and center-fire semiautomatic pistols must have either a chamber load indicator or a magazine disconnect mechanism. On January 1, 2007, center-fire semiautomatic pistols will be required to have both a chamber load indicator and a magazine disconnect mechanism. Currently, this regulation section establishes various procedures for DOJ certified laboratories conducting handgun safety tests. The proposed amendment will provide DOJ certified laboratories and firearm manufacturers with further specifications relative to the chamber load indicator and magazine disconnect mechanism requirements.

Technical, Theoretical, and/or Empirical Study, Reports, or Documents Relied Upon.

The Department did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the amendment of this regulation.

Reasonable Alternatives to the Regulation and the Agency's Reasons for Rejecting Them.

The Department considered alternative minimum distances at which the "loaded" indication must be visible on a firearm pursuant to subparagraph 968.44(d)(1)(C). Specifically, distances of 12 and 36 inches were considered and rejected as too short and long respectively. The Department determined 24 inches is the most reasonable and appropriate minimum distance as it is the approximate length at which a person would typically hold a handgun when firing.

Reasonable Alternatives to the Proposed Regulatory Action That Would Lessen Any Adverse Impact on Small Businesses and the Agency's Reasons for Rejecting Them.

The Department finds that the proposed regulation would not have an adverse impact on small

businesses. Therefore, no such alternatives were identified and rejected.

Evidence Supporting Finding of No Significant Adverse Economic Impact on Any Business.

Firearm manufacturers who want their handguns sold in California might incur some undetermined initial cost in designing/manufacturing their handguns in accordance with the new requirements. However, such costs would be relatively insignificant and would be the result of firearm manufacturers having to comply with the standards mandated by the new law (12126 PC), not the proposed amendment which merely provides specifications needed for implementation of the law. The proposed amendment does not place any additional cost burden on small businesses nor their customers.

Section 968.46 Required Records, Retention Periods, Reporting Changes

Specific Purpose of the Regulation.

The proposed amendment establishes a new record keeping requirement for DOJ certified labs. Specifically, a statement confirming the presence of any required chamber load indicator and/or magazine disconnect mechanism must be included in their handgun safety test records.

Necessity.

Currently, this section specifies the handgun safety test information that DOJ certified laboratories must record, report, and maintain. The proposed amendment will require the record keeping information to include a statement confirming the presence of any required chamber load indicator and/or magazine disconnect mechanism. Recording this statement is necessary to provide substantiation of the testing results in the event questions arise after the test is completed.

Technical, Theoretical, and/or Empirical Study, Reports, or Documents Relied Upon.

The Department did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the amendment of this regulation.

Reasonable Alternatives to the Regulation and the Agency's Reasons for Rejecting Them.

No other reasonable alternatives were presented to or considered by the Department.

Reasonable Alternatives to the Proposed Regulatory Action That Would Lessen Any Adverse Impact on Small Businesses and the Agency's Reasons for Rejecting Them.

The Department finds that the proposed amendment would not have an adverse impact on small businesses as it adds only a minor record keeping requirement. Therefore, no such alternatives were identified and rejected.

Evidence Supporting Finding of No Significant Adverse Economic Impact on Any Business.

The Department's determination that the proposed amendment will not have a significant adverse

economic impact is based on the fact that the proposed regulation does not place any additional cost burden on small businesses nor their customers.